

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JULIAN A. MILLER,

Plaintiff,

v.

STANLEY TAYLOR, individually and in
his official capacity as Commissioner of the
Delaware Department of Correction;
THOMAS CARROLL, individually and in
his official capacity as Warden of the
Delaware Correctional Center at Smyrna;
DR. ALIE, individually and in her official
capacity as Medical Director at DCC
Smyrna; RN IHOMA, individually and in
her official capacity as Registered Nurse at
DCC Smyrna,

Defendants.

C.A. No. 04-1367-KAJ

MOTION FOR WITHDRAWAL OF APPEARANCE

Counsel for Plaintiff, Sean P. Hayes, respectfully requests that his appearance be withdrawn as attorney of record for Plaintiff Julian A. Miller. Mr. Hayes left the firm of Fish & Richardson to work as an engineer in New Castle, Delaware. Accordingly, Mr. Hayes is not able to continue his representation of Mr. Miller and seeks to be replaced by an attorney on the Federal Civil Panel yet to be identified.

One pending matter exists in this case. Mr. Miller was granted an extension of time to file an affidavit of merit relating to his assertion of medical negligence (D.I. 52). The deadline to file the affidavit of merit is currently set for October 23, 2006. In light of the need for a change of counsel, Plaintiff has previously submitted a motion for extension of time for the filing of the Affidavit of Merit to be extended for 60 days in an effort to allow sufficient time for replacement counsel to be appointed.

By: Sean P. Hayes / Ex Thomas L. Malkowski (#4099)
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Dated: October 19, 2006

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Defendants.

Civil Action No. 04-1367 (KAJ)

Demand For Jury Trial

ORDER

Having reviewed the Motion for Withdrawal of Appearance filed by Fish &
Richardson P.C. in this action,

IT IS SO ORDERED that the Motion for Withdrawal of Appearance is hereby
granted.

SO ORDERED this _____ day of October, 2006.

UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2006, I served the MOTION OF
WITHDRAWAL OF APPEARANCE on the following Delaware counsel at the
addresses and in the manner indicated below.

BY HAND

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